Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 017-04467-0494-053	Date: 03/26/2017	Time: 1436 Hours	
Location: [redacted] Loma Drive, Whittier, CA 90604		City or Station: Norwalk	
Bureau/Station/Facility: South Patrol Division / Norwalk Station		Admin. Investigation: ○ YES ◉ NO	
Type of Force: Control Holds, Resisted Handcuffing			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ○ YES ◉ NO	Suspect Injury ◉ YES ○ NO	
☒ Call ☐ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ◉YES ○ NO	Person Notified: Lieutenant R. Granek	Emp: 229940	IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #: [redacted]	Last Name: Fierro	First Name: Jesus	Middle I.: C	Rank: DSG		
Sex: ◉ M ○ F	Race: H	Height: 507	Weight: 165	Age: 31	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Norwalk Station			Work Assignment (Unit #, Module, etc.): [redacted]			
Individual Force Used: Control Holds / Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist		Individual Category ○1 ○2 ◉3	
☐ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

E 2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.: [redacted]	Rank: DSG		
Sex: ○ M ◉ F	Race: H	Height: [redacted]	Weight: [redacted]	Age: [redacted]	Shift: ○ EM ○ Day ◉ PM	◉ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment: Norwalk Station			Work Assignment (Unit #, Module, etc.): [redacted]			
Individual Force Used: Control Holds / Resisted Handcuffing			○ Directed ○ Rescue ○ Medical Assist		Individual Category ◉1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

E_

Employee #:	Last Name:	First Name:	Middle I.:	Rank:		
Sex: ○ M ○ F	Race:	Height:	Weight:	Age:	Shift: ○ EM ○ Day ○ PM	○ Regular Shift ○ OT Shift ○ Off Duty
Unit of Assignment:			Work Assignment (Unit #, Module, etc.):			
Individual Force Used:			○ Directed ○ Rescue ○ Medical Assist		Individual Category ○1 ○2 ○3	
☐ Injured ☐ Treated ☐ Admitted	Facility:				Coroner Case #	

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Bevan	Stephen	S	Sgt	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]	[redacted]	Sgt	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Granek	Roberta	C	LT.

Watch Commander / Supervising Lieutenant's **Signature**: ______ Date ______ Copy Provided to Employee by: ______ Emp #: ______

Unit Commander **(Print Name)** ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

[redacted]

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

017 - 04467 - 0494 - 053

Suspect Information

S 1

Last Name: Magana | First Name: Yvette | Middle Name: Marie | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: ◯ Male ◉ Female | Race: H | Age: 46 | Height: 502 | Weight: 140 | D.O.B: 08/10/71 | Phone #1: ◯ H ◯ W ◯ C None | Phone #2: ◯ H ◯ W ◯ C None

Street Address: [redacted] Loma Drive | City: Whittier | State & Zip Code: CA 90604

Booking #: 4944258 | Primary Charge Code: 245 (A)(2) PC | Secondary Charge Code: 243 (B) PC | [redacted] Criminal History

Treated on Scene? ◯ YES ◉ NO | Name: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Coast Plaza | Coroner Case #: | Mental History ☒ User's guide provides direction on this entry

By: Doctor Michael Stone | Address: 13100 Studebaker Road, Norwalk | Phone #: 562-864-6377

Under Influence: ◯ YES ◉ NO | Substance: | 5150 a factor in force? ◉ YES ◯ NO User's guide provides direction on this entry

Date: 03/27/2017 | Time: 1415 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ◯ Male ◯ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ◯ H ◯ W ◯ C | Phone #2: ◯ H ◯ W ◯ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ◯ YES ◯ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ◯ YES ◯ NO | Substance: | 5150 a factor in force? ◯ YES ◯ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ◯ Male ◯ Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ◯ H ◯ W ◯ C | Phone #2: ◯ H ◯ W ◯ C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ◯ YES ◯ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ◯ YES ◯ NO | Substance: | 5150 a factor in force? ◯ YES ◉ NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 7 - 0 4 4 6 7 - 0 4 9 4 - 0 5 3

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Norwalk	[redacted]	[redacted]	[redacted]

Emp. #	Last Name	First Name	Middle Name
[redacted]	Bevan	Stephen	S.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Norwalk	40S	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Winn	Adrianne	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Norwalk	Administrative	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

017 - 04467 - 0494 - 053

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Rojas	Jackie	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Norwalk	48A	○ EM ○ Day ◉ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Suarez, Jr.	Victor	J.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Norwalk	48A	○ EM ○ Day ◉ PM	○ Regular ◉ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Supervisor's Report on Use of Force

0 1 7 - 0 4 4 6 7 - 0 4 9 4 - 0 5 3

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Yvette Magana	S1	Jesus Fierro	E1	UC	NN	
""	""	""	""	RS	NN	
""	""	[redacted]	E2	UC	NN	
""	""	""	""	RS	NN	
""	""	""	""	BF	NN	FA
Jesus Fierro	E1	Yvette Magana	S1	CT	NN	
""	""	""	""	RH	DI	AR
""	""	""	""	RH	FR	EL
[redacted]	E2	""	""	CT	NN	
""	""	""	""	RH	NN	

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

CASE NUMBER:	FO 2424016
INCIDENT:	Use of Force, Fractured Elbow
INVOLVED EMPLOYEE:	Deputy Jesus Fierro #[redacted]
INVOLVED EMPLOYEE:	Deputy [redacted] #[redacted]
DIVISION/ UNIT/ BUREAU:	South Patrol Division / Norwalk Station
DATE/ TIME/ DAY:	March 26, 2017 / 1516 Hours / Sunday
LOCATION:	[redacted] Loma Drive, Whittier, CA 90604
URN #:	017-04467-0494-053

SYNOPSIS:

On March 27, 2017, Internal Affairs Bureau (IAB) team, Sergeant [redacted] and Sergeant David Ladjevic, responded to Norwalk Sheriff's Station regarding a Category-3 use of force wherein the suspect (Suspect Yvette Magana) sustained a dislocated and fractured left arm.

INVESTIGATION:

On March 26, 2017, Norwalk Station, Unit [redacted], Deputies Jesus Fierro (Involved Employee) and Deputy [redacted] (Witness) drove to [redacted] Loma Drive, Whittier, CA 90604 in response to a call of an Attempted Assault with a Deadly Weapon (metal pipe), Just Occurred / Family Disturbance Incident # NWK17085-0155 **[Miscellaneous Documents]**.

IAB NOTE: Deputy Jesus Fierro was assigned to Transit Services Bureau, but at the time of this incident, was on patrol [redacted] at Norwalk Station. Deputy [redacted] was a senior field training officer who has [redacted].

Assisting Unit [redacted], Deputy [redacted] (Involved Employee), arrived at the above address shortly after Unit [redacted]. Field Supervisor, Sergeant Stephen Bevan (Witness), was also assigned as an assisting unit and arrived prior to contact with the suspect.

> **IAB NOTE:** The residence at [redacted] Loma Drive, Whittier, consists of two residences. A single family home, occupied by Witnesses [redacted] and [redacted], and a guest house located in the rear yard of the property. The guest house was occupied by Suspect Magana and her [redacted], Witness [redacted]. Witnesses [redacted] and [redacted] are the [redacted] of Witnesses [redacted] and [redacted], and [redacted] of Suspect [redacted].

Deputies arrived on scene and first contacted Witness [redacted]. Witness [redacted] was visiting his [redacted]. During this visit, the suspect, (Yvette Magana) entered the home and attempted to assault Witness [redacted] with a metal pipe. Witness [redacted] was uninjured. Witness [redacted] told the deputies the suspect was inside the [redacted] house at the [redacted] of the property. Deputies Fierro and [redacted] established a crime occurred and developed an arrest plan for the suspect. Deputy [redacted] contacted Sergeant Bevan via hand held radio and advised of his intent to contact the suspect.

Deputies knocked on the front door of the [redacted] house and called for the suspect to exit. Deputy Fierro and Deputy [redacted] took positions adjacent to the front door with Deputy [redacted] behind them. Sergeant Bevan arrived prior to the suspect exiting, and took a position behind Deputy [redacted].

The suspect's [redacted], Witness [redacted], was contacted first. She was asked to have the suspect step outside. Witness [redacted] stepped back inside the residence and called the suspect out to the front door. Suspect Magana exited the residence via the front door and onto the porch.

Suspect Magana appeared angry and displayed a hostile demeanor toward the deputies. She began to curse at them. Deputy [redacted] and Deputy Fierro both told the suspect to calm down. Deputy [redacted] took hold of the suspect's right arm and elbow while Deputy Fierro took hold of the suspect's left arm with the intent to handcuff and arrest her. Suspect Magana began to resist handcuffing by pulling away. Deputy [redacted] tightened her grip and held onto the suspect's right arm, placing the suspect's right arm behind her back. Suspect Magana's left arm broke free from Deputy Fierro's grip. Suspect Magana began to flail her left arm. Deputy Fierro regained control of the suspect's left arm and was able to bring it to the small of her back and handcuff her. Once the suspect was handcuffed, Deputy Fierro was now on her right side and Deputy [redacted] on her left side.

As both deputies began to escort Suspect Magana toward the street, Suspect Magana cursed at Deputy [redacted], leaned into her and spat on her face. Deputy Fierro was holding onto the suspect's right bicep and pulled the suspect away from Deputy [redacted].

Suspect Magana walked to the patrol car on her own accord but was verbally defiant. The suspect was placed in the back seat of a patrol car without further incident. Once seated in the patrol car, the suspect's aggressive demeanor diminished and she became cooperative.

The above arrest and circumstances were documented and submitted with an Incident Report under number 017-04467-0494-053. The Incident Report, including all related supplemental and booking reports, were submitted as **[Exhibit A]**.

Suspect Magana was transported to and booked at Norwalk Station. While at Norwalk Station jail, Deputy Fierro conducted a follow up interview with Suspect Magana. At this time, Suspect Magana complained of pain to her left arm.

Suspect Magana was transported to Coast Plaza Hospital by Witness Deputies Jackie Rojas and Victor Suarez.

At Coast Plaza Hospital, Suspect Magana was treated by Doctor Michael Stone. An X-ray was taken of Suspect Magana's left elbow joint. Suspect Magana was initially diagnosed with a dislocated left elbow. Doctor Stone performed a procedure in the presence of Deputies Rojas and Suarez, to reset Suspect Magana's left elbow. Doctor Stone, along with Coast Plaza Hospital staff, secured Suspect Magana's upper and lower left arm utilizing restraint techniques and bed sheets. Doctor Stone then manipulated the left elbow joint back into place. The procedure took approximately ten minutes. A follow up X-ray was taken and confirmed the left elbow joint had been reset; however, a fracture of the lower left arm at the elbow joint was visible. No other injuries to Suspect Magana's person had been seen, reported or treated.

> **IAB NOTE:** The left arm fracture was not reported after the first X-ray prior to the left elbow joint resetting procedure. It is unknown if the fracture occurred before or after the elbow was reset. Doctor Stone was unable to tell IAB investigators when or how the fracture occurred. Suspect Magana refused to sign a medical waiver, affording IAB a copy of her medical report. Doctor NickolayTeophilov (Los Angeles County Sheriff's Department Chief Physician) was unable to give an opinion without viewing the suspect's X-rays.

Suspect Magana was subsequently given approval for booking and transported to Century Regional Detention Facility (CRDF).

INVOLVED EMPLOYEES AND WORK HISTORY:

Deputy Jesus Fierro #[redacted]
Court Services Division
Court Services Central
Date of Employment: September 17, 2015

Dates Assigned to Norwalk Station: December 18, 2016 through April 23, 2017
Patrol Training Completion: [redacted]
Date Assigned to current unit:
Prior Founded Force Incidents:
Prior Shooting Incidents:

EQUIPMENT: Duty belt with handgun, magazines, pepper spray, baton, radio, tourniquet and Taser.

Deputy [redacted] #[redacted]
South Patrol Division
Norwalk Station
Date of Employment: August 05, 2011
Date Assigned to unit: [redacted]
Patrol Training Completion:
Prior Founded Force Incidents:
Prior Shooting Incidents

EQUIPMENT: Duty belt with "ASP" baton, pepper spray, duty weapon, magazines, handcuffs, back-up weapon and hobble.

SUSPECT INFORMATION:

Yvette Marie Magana

Sex:	Female
Race:	Hispanic
Height:	5 Feet, 02 Inches
Weight:	140 Pounds
Date of Birth:	August 10, 1971
Booking Number:	4944258
Home Address:	[redacted] Loma Drive, Whittier, CA 90604
CII#	[redacted]
Main#	
FBI#	

SUSPECT INJURIES:

Suspect Magana was transported to Coast Plaza Hospital to be treated for complaint of pain to her left arm. She was treated by Doctor Michael Stone. Suspect Magana was diagnosed with a dislocated left elbow. After resetting the suspect's left elbow, a second set of X-Ray's revealed a fracture on her left elbow.

Suspect Magana was interviewed at Coast Plaza Hospital by Norwalk Station Watch Commander Sergeant M. Hank Ortega. This interview was video recorded. Sergeant

Ortega asked Suspect Magana to show him her injuries. Subject Magana lifted her left arm toward the camera. While Suspect Magana lifted her arm, the video recording appeared to capture the elbow joint dislocate or "lock up." The video was submitted as **[EXHIBIT B]**. Suspect Magana did not complain of any other injuries.

On March 27, 2017, IAB investigators interviewed Suspect Magana at CRDF. During this interview, IAB investigators observed a bandaged left arm and bruising to the suspect's inner right bicep. Suspect Magana was asked how she sustained the injuries and she replied "Those two, I don't know, I don't know the names or the badges. They're really young, though" **[Suspect Magana Transcripts page 12].**

DEPUTY INJURIES:

No deputies were injured as a result of contact with Suspect Magana.

PHYSICAL EVIDENCE:

There was no physical evidence collected at the scene of this incident.

INVESTIGATIVE OBSERVATIONS:

None.

WEAPONS USED BY DEPUTY PERSONNEL:

Deputies Fierro and [redacted] used personal weapons (hands) to control and handcuff the suspect in order to arrest her.

WEAPONS USED BY SUSPECT:

The suspect used personal weapons (hands and bodily fluid) to resist her arrest and spit saliva on Deputy [redacted].

PROPERTY DAMAGE:

There was no property damaged as a result of this incident.

LIGHTING AND WEATHER CONDITIONS:

The incident occurred during daylight hours. The weather was warm and clear.

CRIMINAL INVESTIGATION AND CHARGES FILES:

Suspect Magana was charged with Assault with a Deadly Weapon, 245 (A)(4) P.C. and Battery to a Police Officer, 243(B) P.C.

On March 28, 2017, Suspect Magana entered a plea of "nolo contendre" at Downey Superior Court. A guilty verdict for the assault on her [redacted], Witness [redacted] and Deputy [redacted] was entered into record. Suspect Magana was placed on summary probation for three years and ordered to serve a total of 90 days within the county jail. The court minutes are submitted as **[Miscellaneous Documents]**.

INVOLVED EMPLOYEE STATEMENTS:

Internal Affairs Bureau investigators interviewed the following involved Department personnel. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.

DEPUTY JESUS FIERRO

On December 6, 2017, IAB investigators interviewed Deputy Fierro. Deputy Fierro responded to [redacted] Loma Drive, Whittier, in response to a call for service. Once it was determined a crime had occurred, he went to the rear guest home to arrest Suspect Magana. Deputy Fierro was designated as an arresting deputy along with Deputy [redacted] (involved employee). Deputy [redacted] was also present with a TASER.

Suspect Magana stepped out of the home and Deputy [redacted] grabbed her right arm. Deputy Fierro said he grabbed Suspect Magana's left arm. Suspect Magana turned toward Deputy [redacted] and pulled her left arm free. Suspect Magana then began to flail her left arm. Deputy Fierro regained control of Suspect Magana's left arm and brought her arm down and behind her back, handcuffing her.

Deputy Fierro said he was walking Suspect Magana to his patrol car when he saw the suspect lean toward Deputy [redacted] and spit on her. Deputy Fierro pulled Suspect Magana, by her right bicep, away from Deputy [redacted] and continued to walk her to his patrol car without further incident.

Deputy Fierro later spoke with Suspect Magana inside Norwalk Station jail. Deputy Fierro saw that Suspect Magana's left arm appeared injured at the elbow and she complained of pain.

Deputy Fierro was asked how the suspect injured her left her arm and he replied, "I would want to say when we did the initial handcuffing, the resistive handcuffing from when we initially made contact" **[Deputy Fierro Transcripts Page 11]**.

Deputy Fierro was asked about Suspect Magana's bruise to her upper right arm. Deputy Fierro said it could have happened during the initial contact by Deputy [redacted] or when he pulled Suspect Magana away from Deputy [redacted] after the suspect spat on her.

DEPUTY [redacted]

On December 6, 2017, IAB investigators interviewed Deputy [redacted]. Deputy [redacted] drove to [redacted] Loma Drive, Whittier, as an assisting unit. Deputy [redacted] was working a one person car. Deputy [redacted] met with Deputies [redacted] and Fierro in front of the home. Deputy [redacted] made a plan to arrest Suspect Magana utilizing Deputies Fierro and [redacted] as the arrest team.

Deputy [redacted] said when the suspect exited the rear home, she put one hand on Suspect Magana's right wrist and another on her upper right arm. Deputy [redacted] saw Deputy Fierro grab hold of Suspect Magana's left arm. Suspect Magana was angry and began to curse. Suspect Magana began to twist and try to pull away. Deputy [redacted] told Suspect Magana to relax and, "We're not here to hurt you, just relax", in an effort to calm the suspect. Deputy [redacted] saw Suspect Magana's left arm break free from Deputy Fierro's hold. Deputy Fierro quickly regained control over Suspect Magana's left arm and brought it to the small of her back. The suspect was then handcuffed.

Deputies Fierro and [redacted] began to walk Suspect Magana toward the patrol cars. During this escort, Suspect Magana turned toward Deputy [redacted] and said, "Fuck you, stupid bitch" and spat on her face. Deputy [redacted] then stopped and began to wipe her face. Deputy Fierro continued the escort with the suspect.

WITNESS STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews or the digitally recorded video and verbatim transcriptions submitted with this case.

DEPUTY [redacted]

On December 19, 2017, IAB investigators interviewed Deputy [redacted] at [redacted]. Deputy [redacted] was working with Deputy Fierro at the time of this use of force incident. He said they were dispatched to [redacted] Loma Drive, Whittier. Deputy [redacted] and Deputy Fierro contacted the victim, Witness [redacted], and determined an assault had occurred and the suspect was identified.

Deputy [redacted] designated Deputies Fierro and [redacted] as arrest team deputies, and he would utilize his TASER in the event less lethal equipment was needed.

The suspect appeared from the front door of the rear residence. Deputy Fierro grabbed the suspect by the left arm, and Deputy [redacted] grabbed the suspect by the right arm. The suspect began to resist and was able to break her left arm free from Deputy Fierro. Deputy Fierro regained control of Suspect Magana's left arm and brought it to her lower back. Suspect Magana was placed in handcuffs. The suspect was escorted to the front

of the residence toward the radio cars. Deputies Fierro and [redacted] used control holds and resisted handcuffing. Deputy [redacted] was unaware Suspect Magana was injured by the handcuffing during the arrest.

SERGEANT STEVEN BEVAN

On November 28, 2017, IAB investigators interviewed Sergeant Stephen Bevan at Norwalk Station. Sergeant Bevan identified himself as the field supervisor and was dispatched to [redacted] Loma Drive, Whittier. Sergeant Bevan arrived prior to Deputies Fierro, [redacted], and [redacted] making contact with Suspect Magana. Sergeant Bevan placed himself next to Deputies Fierro, [redacted] and [redacted]. Sergeant Bevan said when the suspect exited the front door, he told Deputies Fierro and [redacted] to grab her. Sergeant Bevan said the suspect began to resist the efforts to control her. Sergeant Bevan felt Suspect Magana was attempting to break free and forcibly return to the interior of the house. Sergeant Bevan directed Suspect Magana be taken to the ground, however, Deputies Fierro and [redacted] were able to regain control of the suspect and handcuff her **[Sergeant Bevan Transcripts Page 4]**.

Sergeant Bevan witnessed the suspect spit on Deputy [redacted]. He watched as the suspect was placed in the rear of a patrol car without incident. Sergeant Bevan had an uninvolved field unit, 45K1/PM, Deputy Andrew Myer transport and book the suspect at Norwalk Station.

Sergeant Bevan did not video record an interview with Suspect Magana at the scene of the arrest because he was present during the incident. However, he did video record Suspect Magana being taking out of one patrol car and placed in a second patrol car for transportation. This video is submitted as **[Exhibit B]**.

DEPUTY JACKIE ROJAS

Deputy Rojas was detailed to transport Suspect Magana from Norwalk Station to Coast Plaza Hospital for medical treatment regarding a complaint of pain to her left arm.

Deputy Rojas said Suspect Magana was treated at Coast Plaza Hospital by Doctor Stone. Deputy Rojas said Doctor Stone ordered X-rays of Suspect Magana's left arm. She said Doctor Stone reported Suspect Magana's left arm was dislocated, and he was going to reposition it.

Deputy Rojas said Doctor Stone used bed sheets to hold Suspect Magana down, securing her shoulder to the bed. Doctor Stone tied a sheet around his waist "kinda like a sling", placed the suspect's left arm against it and "popped her elbow back into place." Suspect Magana's arm was X-rayed a second time after the procedure and a small fracture was reported **[Witness Rojas Transcripts Page 4]**.

Suspect Magana's right hand was handcuffed to the bed. Neither Deputy Rojas nor her partner, Deputy Victor Suarez, participated in the medical procedure.

Suspect Magana was given an "OK" for booking and later transported to Century Regional Detention Facility (CRDF). Deputy Rojas submitted a supplemental report along with all paperwork received from Coast Plaza Hospital documenting Suspect Magana's treatment. The paper work was submitted with **[Exhibit A]**.

DEPUTY VICTOR SUAREZ

Deputy Suarez was partnered with Deputy Rojas and repeated the events as described by Deputy Rojas. Deputy Suarez said the procedure to Subject Magana's left elbow took approximately ten minutes.

Deputy Suarez said the suspect's injury was initially reported as a dislocated left elbow. He witnessed the procedure to her left elbow and was told the follow up X-ray showed a fracture to the same elbow. Deputy Suarez said this information was told to him by Coast Plaza Hospital medical staff.

CUSTODY ASSISTANT ADRIANNE WINN

Custody Assistant Winn worked as the Norwalk Station Jailer on March 26, 2017. She was also identified as having booked and processed Suspect Magana. Custody Assistant Winn had no recollection regarding her contact with Suspect Magana.

WITNESS [redacted]

On March 27, 2017, IAB investigators contacted Witness [redacted] at her residence. Witness [redacted] identified herself to IAB investigators as Suspect Magana's [redacted]. Witness [redacted] was present during the handcuffing of her [redacted]. Witness [redacted] answered the front door when the deputies arrived.

> **IAB NOTE:** Witness [redacted] identified herself to Norwalk Station personnel as "[redacted]". She is referred as [redacted] in the incident report and follow up supplemental reports.

Witness [redacted] remained inside the rear residence when Suspect Magana was detained on the front porch. Witness [redacted] said the lady deputy grabbed Suspect Magana and a male deputy "got her in a choke hold" and then they "got" (grabbed) the suspect's arm. Suspect Magana said, "You're breaking my arm" and they "got her down" and handcuffed her **[Witness [redacted] Transcripts page 3]**. "Well, how, it was like she was, she didn't go down, down to the ground" **[Witness [redacted] Transcripts page 6]**.

Witness [redacted] said there were four deputies trying to control Suspect Magana and the suspect was "moving and trying to get out of it." Witness [redacted] described the suspect's

actions as "irritated" and "Very and angry, yes." Witness [redacted] said the deputies told the suspect to stop in response to her actions. Witness [redacted] then recanted her statement about Suspect Magana going to the ground.

Witness [redacted] said the suspect has been diagnosed with "Bipolar Schizophrenia" and should have been taking medication, but has not taken her medication in two years. Witness [redacted] also said the suspect has used "Meth" in the past.

IAB NOTE: "Meth" is a slang term used to identify Methamphetamine.

WITNESS [redacted] "[redacted]" [redacted]

On March 28, 2017, IAB investigators contacted Witness [redacted]. Witness [redacted] identified himself as the suspect's uncle and victim of the assault. Witness [redacted] said after he told the deputies about the assault by Suspect Magana, he was asked to wait outside near the front sidewalk as the deputies went to the rear house. Witness [redacted] said he did not see Suspect Magana being handcuffed or the contact with the arresting deputies. He only heard the suspect's cursing. He later saw the suspect being escorted to the patrol cars parked on the street in front of the property.

WITNESS [redacted]

On March 27, 2017, IAB investigators contacted Witness [redacted]. Witness [redacted] identified himself as the [redacted] of Suspect Magana. Witness [redacted] said he did not see the contact between Suspect Magana and the arresting deputies. Due to limited physical mobility, Witness [redacted] remained inside of his residence.

WITNESS [redacted]

On March 27, 2017, IAB investigators contacted Witness [redacted]. Witness [redacted] identified herself as the [redacted] of Suspect Magana. Witness [redacted] was in the backyard, between her residence and the guest house, when the suspect was contacted. Witness [redacted] saw that deputies walked up the driveway, called out to the suspect and tried to handcuff her. Suspect Magana fought against the deputies when they attempted to handcuff her **[Witness [redacted] Transcripts page 4]**. Witness [redacted] saw the suspect escorted without further incident.

DOCTOR MICHAEL STONE

On November 15, 2017, about 1905 hours, IAB investigators contacted Doctor Michael Stone within the Coast Plaza Hospital treatment room. IAB investigators explained the reason for the contact and the purpose of the use of force investigation. Doctor Stone said he would not submit to a tape recorded interview. IAB investigators gave Doctor Stone Suspect Magana's Coast Plaza Hospital's patient number and he electronically reviewed a file.

Doctor Stone said he could not allow IAB investigators to review patient files without a subpoena or release; however, he did recall Suspect Magana and her injury. IAB investigators asked if the injury to Suspect Magana's arm was consistent with resisted handcuffing and he replied "Yes, it could." IAB investigators asked about the arm fracture not reported at the initial diagnosis, however, later reported after the medical procedure and second X-ray. Doctor Stone said "sometimes these things happen." Doctor Stone then began to draw on a piece of paper. He showed IAB investigators his illustration and said the fracture was a hairline fracture at one of the tips, as he pointed to a "u-shaped" section of what appeared to be a lower arm. When Doctor Stone was asked by investigators to be specific about the suspect's injury, he cited patient confidentiality and would only stipulate to the contents of the suspect's file. IAB investigators were not allowed access to the suspect's medical file nor the illustration example by Doctor Stone.

IAB NOTE: IAB investigators conducted an internet search and found a random photograph of a dislocated human left elbow. The photograph is submitted in an effort to assist the reviewer in understanding where the fracture, as reported by Doctor Stone, may have occurred. The photograph is also provided as an example of what was depicted in the illustration made by Doctor Stone. IAB investigators highlighted the "tips" as referred to by Doctor Stone in his illustration **[Miscellaneous Documents].**

SUSPECT YVETTE MAGANA

On March 27, 2017, IAB investigators drove to CRDF and contacted Suspect Magana. Suspect Magana was asked about her contact with deputy sheriffs at her front door on March 26, 2017. Suspect Magana said she was not listening to the deputies and didn't think about talking to them. She said she was "worked up" **[Suspect Magana Transcripts page 3]**.

Suspect Magana said she was resistant because she was upset with her [redacted]. She said the deputies "were just trying to arrest me, but, I wasn't cooperating." Suspect Magana wanted to scare the deputies' away **[Suspect Magana Transcripts page 5 and 6]**.

Suspect Magana admitted to resisting deputies' efforts to handcuff her. She said it was during the time she was resisting their efforts to be handcuffed, her arm "broke." Suspect Magana said she was being "pretty strong" about her effort to get away. She said she was able to "handle" both deputies and almost got away **[Suspect Magana Transcripts page 9 and 10]**.

Suspect Magana said a male deputy pulled her arm and twisted it while she was being handcuffed. Suspect Magana said her right arm had been bruised during the arrest.

Suspect Magana said she was standing up during the encounter with the arresting deputies and did not report going to the ground or having been restrained by her neck at any time **[Suspect Magana Transcripts page 6 and 10].**

Suspect Magana said after her first X-ray, her arm was put back into the socket **[Suspect Magana Transcripts page 12]**.

Suspect Magana was asked to sign a medical records release however, she declined.

ADDITIONAL INFORMATION:

On March 26, 2017, IAB investigators reviewed the video surveillance of Norwalk Station jail. The video only captured Suspect Magana within the Norwalk Station jail including the Live Scanning process. This video was submitted with **[Miscellaneous Documents]**. During the booking process, Suspect Magana was Live Scanned by Custody Assistant Adrianne Winn.

IAB investigators reviewed hand held video recording taken by Sergeant Bevan of Suspect Magana being seated and seat belted in the back seat passenger side of a patrol car. Suspect Magana was removed from the back seat and escorted to the rear passenger back seat of a secondary patrol car for transportation to Norwalk Station **[Exhibit B]**.

On March 27, 2017, IAB investigators surveyed the area of the arrest of Suspect Magana and found a video surveillance system across the street from the suspect's home at [redacted] Loma Drive Whittier. At the above residence, IAB investigators contacted [redacted]. He is as a male Hispanic with a date of birth of [redacted]. His contact phone number given was [redacted].

IAB investigators reviewed the video and saw Suspect Magana appear from the driveway escorted to a patrol car by a male deputy. [redacted] had difficulty operating the surveillance system and was unable to provide IAB investigators with a digital transfer of the video data. IAB investigators took a video recording of the video recording captured by Mr. [redacted]'s surveillance system. This video is submitted with **[Miscellaneous Documents]**.

DOCTOR NICKOLAY TEOPHILOV

On January 2, 2018, IAB investigators spoke with Los Angeles County Sheriff's Department's Chief Physician Teophilov, via telephone, in regard to the interview and statement of Doctor Michael Stone. Doctor Teophilov said he would not be able to provide an opinion without reviewing the suspect's medical records. Doctor Teophilov said an orthopedic surgeon would need to be consulted if a medical opinion was needed for the type of injury sustained by the suspect.

IAB NOTE: Orthopedic Medicine is a medical specialty concerned with correction of deformities of functional impairments of the skeletal system, especially the extremities **(Google Search)**.